

CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



MAY 1, 2012
Enforcement Committee Meeting
California Board of Barbering and Cosmetology
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834



Christie Truc Tran, Industry
Member, President

Joseph Federico, Industry Member,
Vice President

Wen Ling Cheng, Public
Member

Deedee Crossett, Industry Member

Katie Dawson, Public Member

Richard Hedges, Public
Member

Frank Lloyd, Public
Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

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2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Enforcement Committee Meeting Agenda

Tuesday, May 1, 2012

9:00 A.M. – 2:00 P.M.

Or until completion of business

California Board of Barbering and Cosmetology
2420 Del Paso Road
1st floor Sequoia Room, Room 109
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

1. Welcome and Introductions
2. Apprentice Program Review Update
3. Discussion and Establishment of Work Plan to Update the Health and Safety Regulations
4. Approval of Enforcement Committee Meeting Minutes

• October 11, 2011

5. Public Comment

Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Tami Guess at (916) 575-7144 or sending a written request to that person at the address noted above.

No Attachment

No Attachment

No Attachment



**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY
ENFORCEMENT COMMITTEE MEETING
MINUTES OF OCTOBER 11, 2011**

**Department of Consumer Affairs
1625 North Market Blvd.
1st Floor Hearing Room, S-102
Sacramento, CA 95834**

BOARD MEMBERS PRESENT

Deedee Crossett, President
Frank Lloyd, Public Member
Richard Hedges, Public Member

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Heather Berg, Enforcement Manager
Linda Sakauye, Board Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Mr. Hedges called the meeting to order at 10:00 a.m.

2. Agenda Item, #2, REVIEW AND DISCUSSION OF THE APPRENTICE PROGRAM

Mr. Hedges stated the DRC has begun to see a pattern of violations of the apprentice program. Much of the unlicensed activity came from the number of apprentices per licensed cosmetologist. Mr. Hedges and Mr. Lloyd confirmed with Ms. Underwood that staff had noticed similar problems. Ms. Crossett believed the students may not have access to choose the right program.

Mr. Hedges believed the question would be who is being served by the program? The salon owner, the apprentice, the sponsor or the consumer. In many instances neither the consumer or the apprentice is being adequately served the program. Mr. Lloyd believed the DRC has seen the worst but things have changed positively. The salon owners need to be held accountable, not the apprentice. He was unsure if the salon owner possessed the knowledge.

Ms. Underwood and Ms. Berg provided an overview of the requirements to become a sponsor. The DAS approves the apprentice sponsors after an intense time consuming process. The current sponsors have been long-term sponsors. In the last four months, four applications have been received to become sponsors. They also apply to the Board to become pre-apprentice trainers. The sponsors help coordinate the theory hours but not necessarily provide the theory hours. They

oversee the apprentice program. The apprentice would be responsible for contacting the program sponsor to find out more information on their program. They would then undergo the 39 hour apprentice training course. Anyone who offers this training course has to be approved by the Board. The program sponsors review a set of standards and only accept students who meet these standards. Some sponsors charge a lump sum while others charge per area. It was noted the LACCAC did not charge for enrollment/tuition but did charge for pre-apprentice training at \$30 per class. Ms. Crossett noted some fees include textbooks.

Public Comment

Mr. Julius Smith, Educational Director of California Barbering and Cosmetology Apprenticeship Learning Center, Inc. noted his program offered related instruction manuals and more hours than required. He said they have two salon locations in California with two or three apprentices in each location. They are open Monday through Wednesday for classes. He said that they offer an educational program. They are rated #1 based on how they follow the regulations. They provide the apprentices testing, books, workbooks, and information. They offer educational planning but it was not mandatory.

Mr. Hedges said they have had issues with apprentices who will go through the program and then have to repeat the program because they do not pass the test. He felt this was an abuse of the program and a problem because they are not being properly educated.

Pam Lockrem felt that an issue was getting people to work quickly because often those in the training programs have second jobs. It would be more beneficial if they could work at a low wage while training. The students have also commented that there is a lack of communication from the program sponsor.

Ms. Berg stated that once the apprentice completes the hours required, they are only minimally invested as opposed to if they pay to go to school they may pay more attention. If they focused on the relationship between the apprentice and the sponsor, they could discuss the responsibilities of the apprentice. They could also provide more information about the program so the salons have a better understanding and are more likely to accept apprentices. The trainer and the apprentice need to understand the commitment required. They also need to make sure that they are training the apprentices correctly on the rules and regulations.

Ms. Berg said there were 1,109 cosmetologist apprentices, 582 barber apprentices, and 1 Electrologist apprentice. When asked by Mr. Lloyd, Mr. Smith said that they require trainers to submit their records once a month. Ms. Berg said that the salon should keep training records of their apprentices so that they can be shown to the inspectors, when requested. The apprentice should always be working with their trainer. They recommend that the trainer be cited if the apprentice is caught working alone by an inspector, but it was questioned as to if it is legal to cite the trainer if they were not present. The owner of the salon is the apprentice's employer and must pay them minimum wage for a minimum of 32 hours per week. Mr. Hedges felt that the owner should be held responsible, along with the apprentice.

Ms. Berg created an apprentice questionnaire and the inspectors would have the apprentice fill out the questionnaire. If there was an issue, the information was forwarded to the sponsor and DAS. The sponsor would then address the issue and supply training records if needed. They would then open up a case in order to follow up on the issue. This was previously "not on our radar" and so if they make it a focus then the message may spread and correct itself. Currently, the sponsor was not informed if an apprentice was caught working without supervision. She said that DAS was a small program and they work with the offices throughout California. DAS oversaw several large apprentice programs and so the cosmetology apprentices would be a small group.

They had worked with an apprenticeship committee in LA and received a great response. She said there is currently no cap in the amount the sponsor can charge. DAS was going to send out a joint

letter to sponsors stating they could not charge more than \$2,995.00 for the training program. They based this decision on complaints and feedback received from apprentices. This information would also be posted on the website.

They had received complaints from apprentices and Ms. Berg suggested they forward them to the sponsors and so that they can be addressed. Currently, the sponsors are not notified if there was a complaint filed against them. There were regulations and laws in effect that allow them to withdrawal their approval but it had never been done.

Another issue was regarding the fact that current regulations are vague. Apprentices often complain that they do not feel that they were taught enough during the 39 hours of instruction. If an apprentice misses time they are allowed to return to school, additionally, it is difficult to be removed from the program. It is required by law that the apprentice work in a salon for 32 hours at minimum wage and that the apprentices are allowed to return to the program if they fail the test, it is essentially giving them a guaranteed job for up to 6 years. If the apprentice is not working the 32 hours a week at the salon, the sponsor should disassociate them from the program. If the program lets the apprentice back in the program, they cannot recharge the apprentice but the school receives funds from the labor group for the student.

Regarding the 39 hours, they are required to cover four topics and possibly other activities in order to keep them occupied for the entire 39 hours. There was currently no limit to the ratio of trainers to apprentices. Most apprentice programs have a 1:1 ratio while working but a trainer could have more apprentices under them. Starting in July 2012, the systems will be able to track the apprentices and trainers and the hours. If the trainer goes on leave or was no longer a trainer then the apprentice can transfer to a new trainer. The owner can allow an apprentice to work in multiple establishments. There was also a possibility that an apprentice could work under several trainers as long as the ratio remained 1:1 while they were working, which could allow the apprentice to learn more skills as they see different trainers. They questioned as to who would become responsible for the education of the apprentice. Apprentices should be required to identify themselves as an apprentice while working in the salon, possibly by wearing a badge.

The Board discussed the pass/fail rate in the barbering and cosmetology apprentice program. There was a high rate of apprentices who get licensed but never take the exam, and a high rate of those who fail the exam (47% pass). There was also a high rate of apprentices who do not even finish the program. Mr. Hedges said they often have apprentices from other countries and they are trained in their country. It was also noted that one of the biggest issues was apprentices working alone in a salon with no trainer, and the establishment is cited for unlicensed activity.

Public Comment

Julius Smith stated, if a trainer had to go to a doctor's appointment, for example, then there should be another trainer at the establishment to use as a backup so the apprentice does not work alone.

Other issues involved apprentices re-enrolling in the apprenticeship program several times. However, based on DAS's rules, an apprentice should not be allowed to go through the program again. Apprentices are allowed to take the test twice. Their apprentice license expires two years from the date it was issued, and so it is possible they can fail the test and then wait the two years until their license expires. It was noted that apprentice's continue to work even though they do not have a valid license because it expired due to a failed test. Further, the apprentice will reapply for the program instead of just retaking the test. The Board should be notified if an apprentice drops out of the program, so the apprentice license can be revoked. The Board often does not find out that the apprentice had been working until after the two year period. The monthly forms are required to be kept in the salon, starting from the month they started. The trainer is supposed to sign off on the apprentice's application, ensuring that they will supervise the apprentice for a minimum of 32 hours per week. There is also supposed to be an agreement between the trainer

and owner as to the training plan, and this is to be on file at the establishment. They addressed the issue of falsification with what was completed in the training program, and stressed that this must be clearly noted in the regulations.

3. Agenda Item #3, NEXT STEPS

Staff will continue to work on improvements and update the committee.

4 Agenda Item #4, ADJOURNMENT

With no further business, the meeting was adjourned.

No Attachment